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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of Viet Nam

Addendum

Replies of Viet Nam**

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Note: The present document is being circulated in English, French and Spanish only.

* CEDAW/C/61/1.

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1. Background

1. *Regarding the process of drafting 7th and 8th reports*, in the process of formulating the reports, the Ministry of Labour, Invalids and Social Affairs had sent a formal document to relevant ministries, agencies and organizations requesting for information. The Ministry also organized workshops to consult with relevant ministries, agencies, social — political organizations, civil society, international organizations, NGOs and experts in the field of gender equality in Vietnam.

2. *Regarding the dissemination of CEDAW nationwide*, the provisions of the Convention have been codified into the domestic laws of Vietnam, particularly in the 2013 Constitution, the 2012 Labour Code and the 2014 Law on Marriage and Family. The State of Vietnam also undertook several measures to disseminate CEDAW.

2. Constitutional, legislative and institutional framework

3. *Vietnam has carried out policies and measures to ensure the implementation of the 2006 Law on Gender Equality, including*:

4. *First*, the Government, Prime Minister, ministries and agencies have issued or submitted to the National Assembly and its Standing Committee for issuance, under its authority, over 40 legal documents (including the Constitution, laws, decrees, decisions and circulars) on gender equality.

5. The National Assembly of Vietnam adopted the 2013 Constitution on 28 November 2013. For the first time, the concept of gender equality has been officially mainstreamed into fundamental legal instruments of the country.

6. The authorities of provinces and cities have issued Directives guiding the implementation of Resolution No.11-NQ/TW of the Politburo on women affairs during the period of accelerating the country's industrialization and modernization process.

7. *Second*, the communication and education on gender equality regulations was carried out in different forms:

8. Vietnam held annual forums for dialogues on gender equality policies. The Vietnamese Government has published and freely distributed over 10 media publications and thousands of materials in Vietnamese and English. The Voice of Vietnam, Vietnam Television, Vietnam News Agency and various mass media agencies have broadcasted programs and newscasts on gender equality programmes and projects.

9. *Third*, on the consolidation of organizational apparatus and training of staff working in the area of gender equality, the Prime Minister issued Decision No.1855/QD-TTg on 11 November 2009 on the establishment and consolidation of Committees for the Advancement of Women under the People's Committees at provincial and district levels.

10. *Fourth*, Vietnam continues to develop and maintain service model that supports gender equality and prevents gender-based violence.

11. *Regarding the allocation of financial resources to implement current regulations and policies on gender issues*, the Government of Vietnam has committed to allocating 955 billion VND for the implementation of the program, in which 80 per cent of the fund come from the State budget and 20 per cent from donors.

12. In addition, in 2009, the Ministry of Finance issued Circular 191/2009/TT-BTC guiding the management and use of fund for programmes on gender equality and advancement of women.

13. *Regarding the distribution of human resources to ensure the implementation of gender policies*, at national level, the Ministry of Labour, Invalids and Social Affairs is assigned to be the leading agency to help the Government perform state management functions on gender equality nationwide. All ministries and ministerial-level agencies are responsible for coordinating with the Ministry of Labour, Invalids and Social Affairs in performing state management on gender equality within their ministries and organizations. At the local level, the People's Committees shall perform state management on gender equality in accordance with their level of authority.

14. *Regarding the steps taken to improve the capacity of the National Assembly's Committee on Social Affairs and allocation of financial and human resources for the committee to conduct an overall evaluation of laws on gender issues from professional perspectives*, Vietnam regularly organizes seminars and training courses to mainstream gender issues in law-making process and in monitoring the implementation of gender equality laws and the national targets on gender equality. Training courses are set up to improve the competence of the National Assembly's Committee on Social Affairs. The fund allocated to gender equality activities come from the annual budget of the Committee.

3. Non-discrimination

15. *Vietnam has attempted to conduct several measures to curb the gender birth spacing and selection of foetal sex.*

16. *First*, Vietnam has promulgated policies and laws on this matter and prohibited foetal sex selection in any form.

Second, strictly handling any forms of foetal sex selection.

17. *Third*, Vietnam has formulated and implemented pilot model and projects on community intervention. In 2009, the Ministry of Health developed and implemented the "*Intervention scheme to mitigate sex imbalances at birth*" in 11 provinces and cities that had high rates of sex imbalance at birth in order to gradually control the imbalances and achieve a more table and balanced sex ratio at birth.

18. In 2011, the Government approved the National Strategy for Population and Reproductive Health in Vietnam for the 2011-2020 period (in Decision No. 2013/QD-TTg dated 14/11/2011), which composed of a Proposal to control sex imbalances at birth and a Communication project for changing behaviours on population and family planning.

19. *Fourth*, Vietnam has undertaken intervention by combining communication activities with social security policies and gender equality implementation.

20. Mass media at central and local levels shall disseminate information and report on the situation of sex at birth in their areas. Sex-at-birth related issues are also mainstreamed into collaboration programs between the Ministry of Health and other departments and unions.

21. *Regarding the latest updates on the possibility of removing "birth control" policy in the new Population Law currently being drafted*, the draft Population Law prescribes the rights and obligations of each couple or individuals in the population and family planning campaign, including:

- To make responsible decisions on an equal footing on delivery time, number of children, birth spacing and contraceptive methods.
- To respect, without interfering with the right to inclusive development of other family members when making decisions on delivery time, number of children, birth spacing and contraceptive methods.

Regarding updated information on the Law of Ethnic Minorities: at present, such a law has not existed in Vietnam.

4. Access to justice

22. To ensure equal rights of women, the Government of Vietnam has adopted various measures to implement anti-discrimination policies for women, such as promulgating policies and regulations on this matter, disseminating information and conducting legal training on gender equality. One of the main measures is improving capacity and raising awareness of law enforcement officers, prosecutors and judges.

23. *For the Ministry of Justice and its system*, the following proposals are put forward:

- Reviewing and developing a system of legal documents related to the legitimate rights and interests of women at their level of authority. On that basis, making amendments or propose recommendations for amendments in accordance with the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Law on Gender Equality.
- Developing and effectively implementing the assessment toolkit to evaluate the mainstreaming of gender issues in legal documents.
- Fostering evaluation and gender mainstreaming skills for judicial officials and civil servants directly involved in policy and law making.
- Allocating sufficient human resources to do gender equality work in accordance with the instruction of the Ministry of Labour, Invalids and Social Affairs; mobilizing the participation of civil servants proficient in gender equality works in judicial agencies in the formulation of gender-related policies and regulations.

24. *For the Courts*, proposals are put forward as follows:

- Developing plans to implement the national strategy on gender equality; rolling out legal documents on women affairs; coordinating with competent agencies to organize training courses on gender; promoting information, communication, dissemination and education to raise awareness of civil servants in the sector on gender equality.
- Mainstreaming knowledge on gender issues and gender equity in the training program for the People's Courts at all levels.

25. *With regards to the Procuracy*, held training programs to promote women's advancement; conducted researches and surveys in order to make recommendations on amending legal documents related to gender equality and the advancement of women.

26. Currently, Circular No. 07/2011/TT-BTP has been replaced by Circular 11/2014/TT-BTP on 17/04/2014 issued by the Minister of Justice, which ensures gender equality in legal assistance. Circular No. 11/2014/TT-BTP stipulates that the team of procuracy associates shall be developed based on the gender structure of each area, fields and types of legal services, in accordance with the laws and the circumstances in each locality. Women from ethnic minorities or those with knowledge and skills in gender affairs and gender equality as well as in preventing domestic violence, human trafficking and sexual harassment are encouraged to become associates.

5. National machinery for the advancement of women

27. *The National machinery on gender equality was established in 2008. Accordingly, the* Ministry of Labour, Invalids and Social Affairs is the lead Government agency in conducting state management mandate on gender equality across the country. Other ministries and ministerial agencies are to work with the MOLISA in ensuring gender equality from a state management perspective within the scope of their ministry or agency. People's Committees at all levels are responsible for performing state management duties on gender equality within the scope of their authority.[1] To fulfil this mandate, the MOLISA has founded the Department for Gender Equality. Other Ministries and agencies designate a lead agency to provide counsels on state governance over gender equality issues (through either delegation of power to an internal unit or the Committee for the Advancement of Women). Local Governments task their respective provincial DOLISAs with conducting this duty (either through a newly established Division on Gender Equality or by designating an officer-in-charge within its administrative office). Labour, Invalids and Social Affairs units at the district level and Cultural-Social Affairs officers at the ward level are responsible for providing counsels and implementing this duty. 13 out of 63 provinces and cities have established the Division for Gender Equality and the remaining ones have designated an officer-in-charge to oversee gender equality issues.

[1] Decree 70/2008/ND-CP dated 4 June 2008 on details for implementation of the Law on Gender Equality.

28. At the central level, in addition to the Ministry of Labour, Invalids and Social Affairs who is directly responsible for state governance on gender equality, some other Ministries and agencies task their internal departments and units with gender equality issues directly related to their ministry and agency. Such include the Administrative Department of the Ministry of Home Affairs, the Family Department of the Ministry of Culture, Sports and Tourism, the Minority Department of the Committee for Ethnic Affairs. The National Assembly, the Standing Committee of the National Assembly, the Ethnic Council, all committees of National Assembly, parliamentarian delegations and members of parliament must, within the scope of their power, monitor the implementation of gender equality laws. The Women's Union of Vietnam provides feedbacks on gender equality laws and policies. It organizes activities to support women in achieving the gender equality objectives. The Union also works with relevant agencies and organizations to identify and provide opportunities for women with good qualifications to run for parliament and people's councils as well as leadership positions in the political system. In addition, the National Committee for the Advancement of Women acts as a research and advisory agency to the Prime Minister.

29. According to the Law on Domestic Violence, the Ministry of Culture, Sports and Tourism has responsibility for taking the lead in coordinating relevant agencies in implementation of the Law.

30. The Ministry of Labour, Invalids and Social Affairs, who is in charge of gender equality issues, assumes the following responsibilities with regards to preventing and combatting domestic violence shall:

1. Provide instructions on mainstreaming the prevention of domestic violence in poverty reduction, training and job creation programs.

2. Lead the efforts of supporting victims of domestic violence at social institutions.

31. For specific contents of The National Strategy on Gender Equality 2011-2020 (*please see the annex attached*).

32. For specific results of implementation of national goals on gender equality until 2014 (*please see the annex attached*).

6. Temporary special measures

33. According to Paragraph 6 of Article 5 of the Law on Gender Equality "Measures to promote gender equality are measures to ensure gender equality in practice, promoted by relevant state authorities in case there is great disparity between men and women in positions, roles, conditions, opportunities to develop their capacities or benefit from the fruits of development by which the application of equal provisions between men and women do not reduce these disparities. Measures to promote gender equality are taken in a certain period of time and end when gender equality is achieved". Therefore, the term "measures to promote gender equality" in the provisions of the Vietnamese law is fully compatible with the term "special temporary measures" defined in Article 4 of CEDAW.

34. Labour Code 2012 devotes a separate chapter (Chapter X) to provide separate provisions for female workers. Besides, the Government has implemented a series

of projects within the framework of the National Program on Gender Equality for 2011-2015 at central and local levels.

* *Efforts made to increase understanding of the need for temporary special measures as a necessary component of a strategy to accelerate the achievement of de facto and substantive equality of women with men in Vietnam.*

35. The Government of Vietnam has adopted various measures to translate laws and policies into practice such as: the building, promulgation and implementation of legal documents, national strategies, policies and goals on gender equality and the integration of gender equality issues into the development of policy, law, strategies, programs, plans and projects for social economic development; disseminate and introduce law on gender equality in various forms; strengthen the building and maintenance of service delivery model to support gender equality and prevent gender-based violence ... (*please refer to the answer in question 2 about legal and institutional framework for detailed answer of this section*).

* *Detailed information on temporary special measures.*

36. Measures to promote gender equality of principle are defined in Paragraph 1, Article 19 of the Gender Equality Law.

37. Besides, the 2006 Gender Equality Law also provides specific measures to promote gender equality in politics, economics, labour, education and training.

38. This issue is also prescribed in Resolution No. 11-NQ/TW dated April 27th 2007 of the Politburo on women affairs during the process of accelerating industrialization, modernization; at the decision No.2351/QD-TTg of December 24th 2010, the Prime Minister approved the National Strategy for Gender Equality for 2011- 2020 in accordance with the Gender Equality Law.

39. *Measures to promote gender equality in labour sector*:

- Regulations on the percentage of male and female workers to be employed;
- Training, retraining and capacity building for female workers;
- Employers facilitate labour safety for female workers working in heavy and dangerous industries or having exposed to toxic substances.

40. *Specific provisions of the 2012 Labour Code*:

- Prohibition of discrimination
- Recognition of the right to work for female workers (Article 153)
- Ensure the rights to equal employment for female workers.
- Encourage employers to create conditions for women workers to be employed on regular basis; flexible working schedule is widely applied, including part-time work, home-based work.
- Implement measures to create jobs, improve working conditions, improve professional standards, health care, physical and mental welfare for female workers to help them promote effectively professional capacity, balance working life and family life in a harmonious manner.
- Implement policies on tax reduction for employers using a large number of female employees as prescribed by tax legislation.

- Expand various types of training for women workers so that they could be prepared for another alternative job suitable to women's physical and maternity conditions.
- The State devises plan and measures to provide child care and kindergartens in areas with large number of female workers.
- Encourage businesses to employ more female workers: unemployment insurance policy, preferential policy for workers to create self-employment; support employers to employ female workers, workers with disabilities, workers from ethnic minority groups in order to create employment (Paragraph 2, Article 12).
- Protection of maternity for female workers (Article 155):
- Employers can not employ female workers to work at night shift, overtime or work far away if they are over 7 month pregnant from or over 6 month pregnant if they work in mountainous and remote, border and island areas or have children under 12 months old.
- Female workers over 7 month pregnant if doing heavy work are transferred to do lighter work or work 1 hour less/per day with full pay.
- Employers are not allowed not dismiss or unilaterally terminate labour contracts with female workers in the event of marriage, pregnancy, maternity leave, having children under 12 months of age, unless the employer as an individual is dead, being declared by the Court for the loss of his or her civil act capacity, missing or dead or the employer who is not the individual to terminate the operation.
- During pregnancy and maternity leave under the provisions of the law on social insurance, female workers having children under 12 months old are exempted from any labour disciplinary measures.
- Female workers during their menstruation are entitled to rest 30 minutes/day; female workers having children under 12 months old are entitled to rest 60 minutes during working time. Full wages are received for the resting time under labour contracts.

41. Article 4 and Article 5 of the 2013 Employment Law emphasize the equal employment opportunities and income, including the State's policy to support employers using multiple employees with disabilities, female workers from ethnic minority groups. In addition, to promote employment, particularly for women workers, the Government continues to build and implement the National Target Program for employment and vocational training for 2012-201 and takes initiative to mainstream gender into the implementation of the Program, especially through loan projects from the National Fund for Employment:

- Priorities are given to loan projects to create jobs, improve working conditions for female workers;
- Create multiple models to help create jobs and improve skills for women such as women club, borrowers groups, women's science loving group, female enterprises connectivity model...

42. *Measures to promote gender equality in education and training*:

- Regulations on the percentage of men and women participating in learning and training;
- Female workers in rural areas are provided with support in vocational training as prescribed by law.

43. Article 14 of the Law on Gender Equality specifies gender equality in education and training as follows:

- Men and women are equal in terms of age in school, training and retraining.
- Men and women are equal in choosing disciplines of study and training.
- Men and women are equal in accessing and benefiting from policies on education, training, retraining.
- Female cadres, civil servants participating in training and retraining courses who need to bring along with them children under thirty six months old are provided with support by the Government.

44. *The right to education for boys and girls*:

45. The right to education is a fundamental right of children. Family, school and society have the responsibility to ensure children's right to education. Article 11 the 2009 revised Education Law provides the universalization of preschool education for 5 year old children, primary education and lower secondary education. The State decides on the education universalization plan and provides conditions for universalization of education nation-wide. Families are responsible for creating conditions for family members in the learning age to complete universalized education.

46. Article 16 of the 2004 Law on Protection, Care and Education of Children specifies that primary school children do not have to pay tuition at public educational institutions. This demonstrates the State's responsibility in ensuring opportunity and the right to education of all children, irrespective of girls or boys.

7. Stereotypes and harmful practices

47. In recent years, Vietnam has made great efforts in implementing measures to reduce and eventually eliminate gender stereotypes. On March 12th 2010, the Prime Minister issued Decision No.343/QD-TTg approving the Scheme on the Dissemination and Education on the Virtues and Qualifications of Vietnamese women during the process of accelerated industrialization and modernization (2010-2015) with the following criteria: patriotism; good health; knowledge, professional skills; dynamic and creative; healthy cultural lifestyle, compassion to be able to raise awareness and change behaviour of people, communities, society, particularly in preserving, promoting and building virtues and qualifications of the Vietnamese people in order to meet the requirements of the process of accelerated industrialization and modernization. This project involves various ministries aiming at changing gender bias against women.

48. The Ministry of Education and Training has conducted a nation-wide review of textbooks and teaching materials under gender perspective to remove information,

images, knowledge containing gender stereotypes and propose solutions to address gender issues and promote gender equality in an effective way; compile and publish on the website of the gender information centre the document "Guidelines for review and analysis of textbooks under gender perspective". The ministry also compiles and introduces into regular teacher training programs an experimental document titled "modules for teacher training on gender issues and gender equality promotion".

49. Besides, the Ministry of Education and Training also worked in collaboration with other ministries to develop legal documents for all education levels in order to create conditions for students to get access to and learn legal knowledge, enhance awareness and responsibility to protect women's rights and ensure gender equality in schools.

50. For children, in particular girls, the Ministry of Labour, Invalids and Social Affairs has put into operation a support and advisory hotline for children to provide information, psychotherapy intervention and counselling services, legal and policy support.

51. For limiting backward practices such as forced marriage, child marriage (with special attention given to the situation of women and girls in rural areas, ethnic minority groups), the Government has implemented Decision No. 2356/QD TTg dated December 04th 2013 on the introduction of action programs to implement the Strategy on Ethnic Affairs until 2020, in which the Committee for Ethnic Minorities has developed a project on "Reducing child marriage and marriage between blood relations among ethnic minority groups" with key measures to eliminate these negative practices.

52. *For girls and women in rural areas*, the Government has promoted legal education to every household, especially on the law on marriage and family. Activities have been organized to encourage young people to participate in organizations and unions. People are encouraged to join hands in building a cultured lifestyle and family; local counselling centres are established to provide services on marriage and family, reproductive health to gradually raise people's awareness and eliminate negative influences of outdated practices.

8. Violence against women

53. *Amend provisions in the Law on Domestic Violence which may hinder women's access to remedies*

54. The 2007 Law on Domestic Violence took effect on July 1st 2008. Currently, Vietnam has no plans to amend this law.

55. *Harmonise the Penal and Penal Procedure Codes, Law on Domestic Violence and other related legislation with the provisions of the Convention*

56. The 2007 Law on Domestic Violence specifies regulations on the prevention of domestic violence, provision of protection and support to victims of domestic violence; responsibility of individuals, families, agencies and organizations in the prevention of domestic violence and the handling of law violations.

57. Revision is underway for the Penal and Criminal Procedure Codes. One major direction of the revision was to internalize relevant provisions of the international

treaties that Vietnam is a party with a view to reinforcing international cooperation and the fight against crimes. Proposed amendments aim at increasing protection of women in accordance with the relevant international treaties, including CEDAW. *No reconciliation before divorce in cases of domestic violence against women*

58. Article 12.7 of the Law on Domestic Violence provides for cases where there shall be no reconciliation undertaken by grass-roots organisations:

- The cases that are subject to the penal code, except when the victim requests that the case shall not be subject to the penal code;
- The cases that are subject to administrative sanctions.

59. *Providing sufficient funding for domestic violence prevention and psychological-social assistance services to the victims, including the funding to maintain the operations of 10 temporary shelters for the victims (para. 259)*[2]

60. At the Women and Development Centre of the Vietnam Women's Union, a pilot project "Safe Home" was initiated in March 2007 to assist women and children who are victims of trafficking and domestic violence. The Safe Home received its funding from the Government, amounting to VND 1.7 billion (2013) and VND 1.5 billion (2014). The successful pilot project has been replicated to other provinces and cities under various names. Finance for promotion of gender equality and national gender equality targets is included in the scheduled expenditure plans earmarked from state budget to the various Ministries, agencies and local authorities for administration, healthcare, education and training, culture, social welfare, etc. Therefore, there is no official figure of state budget appropriation exclusively for gender equality promotion. The national budget for implementation of the National Programme on Gender Equality amounted to VND 40 billion in 2013, the amount was reduced by 50 per cent (VND 20 billion) in 2014.

9. Women and child trafficking

Measures taken to combat trafficking in women and girls

61. The National Assembly of the Socialist Republic of Vietnam adopted the Law on Human Trafficking at its 9th Session on 29 March 2011, which took effect on 1 January 2012. The Vietnamese Government also issued Decision 1173/QD-TTg dated 18 July 2011 on the plan to enforce the Law, and issued the Decree 62/2012/ND-CP dated 13 August 2012 on grounds to identify victims of trafficking and measures to protect the safety for the victims and their families. The Ministry of Public Security also coordinated with the Ministry of Defence (MoD), the Ministry of Labour, Invalids and Social Affairs (MoLISA) and Ministry of Foreign Affairs (MoFA) to issue the Inter-agency Circular 01/TTLT-BCA-BQP-BLDTBXH-BNG dated 10 February 2014 on guidelines of processes and procedures of coordination in identification, verification, reception and return of victims of trafficking. Relevant ministries and agencies have also convened training courses on Law on Human Trafficking for key officials nationwide. The Ministry of Public Security has also disseminated an "Advanced Manual on Human Trafficking Law" to police nationwide, reviewed regulations relating to human trafficking for amendments and revision. Relevant authorities have been working with the Ministry of Justice-the

[2] Data provided by the Viet Nam Women's Union.

line ministry for drafting the amended Penal Code to design provisions on crimes of human trafficking.

62. Measures to prevent and combat human trafficking are listed from Articles 7-18 in Chapter II of the Law on Human Trafficking, specifically:

- Communicate and educate on prevention and combat of human trafficking;
- Provide advice on human trafficking prevention;
- Maintain good management of law and order, and of business and services activities;
- Mainstream human trafficking elements into social and economic development programmes;
- Involve individuals, families, schools and teaching institutions into the human trafficking prevention and combat;
- Prevent and combat human trafficking in business and services providing facilities;
- Involve the mass media in the prevention and combat of human trafficking;
- Involve the Vietnamese Fatherland Front and its members in the prevention and combat of human trafficking;
- Involve the Vietnam Women's Union in the prevention and combat of human trafficking.

Support for rehabilitation and reintegration

63. The Law on Human Trafficking provides that victims of trafficking, subject to their needs and desire, shall be received for shelter at Social Protection Centres or Victims Support Facilities. At present, there are more than 400 provincial and district Social Protection Centres (public or non-public run) under the management of the MoLISA and 03 Victims Support Facilities sponsored by the Vietnam Women's Union and international organisations. The establishment of such centres is subject to regulations and guidelines from the MoLISA.

64. After returning to the community, victims who live in poor families (criteria decided by the Prime Minister) or in families of difficulty (certified by the Chairman of the Communal People's Committee) will be considered for initial assistance of VND 1 million/person at minimum. The rate of assistance is subject to the decision of the Chairman of the District People's Committee, taking into consideration specific circumstances and availability of the budget.

65. The victims are also entitled to tuition fee reduction or exemption.

66. Victims who are interested in under-three-month primary vocational training courses will be given a once-off assistance for the tuition fee in accordance with the Prime Minister's Decision 1956/QD-TTg dated 27 November 2009 on approval of the Plan for Vocational Training for Rural Labour and the guidelines on its implementation.

Penalties related to trafficking in women and children

Criminal penalty

67. The 1999 Penal Code, amended and supplemented in 2009, has 2 articles regulating two crimes directly relating to trafficking in women and children, namely: *Trafficking in human* (Article 119) *and Trading in, fraudulently exchanging or appropriating children* (Article 120).

68. The Penal Code also stipulates charges applicable to a number of crimes related to the process of trafficking in women and children

Administrative Penalty

69. The recent law regulates that if crimes related to trafficking in women and children, such as prostitute, labour, forced, illegal entrance and exit, organizing and/or coercing other persons to flee abroad are not serious enough to be subjected to penal penalty then administrative penalty would be applied. Stipulation of administrative crimes and penalty applied to each specific crime are under the authority of the Government.

70. Administrative sanctions applied to human trafficking and other related offences are also reflected in the policy to strictly punish crimes in cases with aggravating penal liability, including committing crimes against pregnant women and children.

Civil penalty

71. General principles on the liability to pay compensation are stipulated in Chapter V of the Civil Code and Article 42 of the Penal Code. In that spirit, any person conducts trafficking in women and children or other related crimes that cause losses for the victims, apart from administrative or penal penalties, they will have the responsibility to pay the compensation for the mental and material losses caused to the victims.

72. *Information on the progress in the implementation of the Law on Anti-Human Trafficking, including articles on capacity building and training on new regulations in the legal system for law enforcement officers, budget and human resources to implement the National Action Plan for 2011-2015, and is expected emerging issues in the implementation process, as well as solutions to the problems.*

73. Implementing the Law on Anti-Human trafficking and Plan No.114/KH-BCD of the 138/CP Steering Committee, all 63 provinces and cities under the central management have developed plans, organized training courses, and worked with other relevant forces to conduct joint investigation, review human trafficking offences and people concerned. A number of ministries have gained concrete outcomes in the implementation of projects and programs to realize Decision No. 1427/QD-TTg dated 18 August 2011 of the Prime Minister approving the Action Plan on the prevention and combat of human trafficking for 2011- 2015.

10. Prostitution

Prostitution in Vietnam

74. From the reports of 63 provinces and cities, currently the number of prostitutes under management are 11,240 people, mainly concentrate on several regions such as the Red River delta (3,673 people), Northeast region (913 people), Central North region (887 people), Southeast region (3,200 people), and Mekong Delta (1,374 people).[3]

75. *Legal institution and related programs to support women wishing to give up prostitution, including details on treatments applied at medical facilities (paragraph 86) and whether these treatments are voluntarily or upon the order of the court.*

76. *Concerning legal policies*, on 20 June 2012, the XIII National Assembly adopted the Law on Administrative Violations Sanction, which came into effect from 1 July 2013. At the same time, the National Assembly also passed Resolution No.24/2012/QH13 to implement the Law on Administrative Penalties. Accordingly, from the publication of the Law on Administrative Penalties, (2 July 2012) "*education measures at the communes, wards and towns are no longer applicable and prostitutes would not be sent to medical facilities. Prostitute would be fined with administrative penalty based on the law*". This is among major changes in the mindset concerning the prevention and combat of prostitution. These legal changes have facilitated the implementation of intervention measures to mitigate the impacts on the groups of prostitutes, at the same time, help them access to social services at the community.

77. *Programs to support women wishing to leave prostitution*, the pilot project on integrating prostitution prevention with HIV/AIDS prevention and community reintegration support for sex workers has been implemented in 44 out of 63 provinces and cities, focusing on four types of model: community-based prostitution prevention; prostitution prevention associated with prevention of HIV/AIDS; community reintegration supporting services for sex workers.

78. The Government has implemented the Prime Minister's Decision No.29/2014/QD-TTg dated 26/04/2014 on credit for households and people living with HIV, post-rehab drug users, drug addicts treated with substitution drugs, and former sex-workers. Some provinces have developed the models and integrated effectively with other social welfare programs.

11. Equal rights in participation in socio-political life

- The State of Vietnam has instructed on ensuring the percentage of women in management and leadership positions. In particular, to prepare for the National Assembly and People's Council for the 2016-2021 period, the National Program on Gender Equality for the 2011-2015 reserves one project for capacity-building for women deputies at National Assembly and women members of People's Councils, women managers and leaders at all levels, women candidates to the National Assembly and People's Councils at all levels, and future women leaders. In addition, a number of communication campaigns have been stepped up for the upcoming election.

[3] Final Report on the Ordinance on Prostitution Prevention and Combat.

- Set concrete goals and targets with specific timeline for fulfilment with a view to rolling out the Government's Action Programme on implementing Resolution 11-NQ/TW of the Politburo on Women Representation in Vietnam as well as the Strategy and Program on Gender Equality.
- Temporary special policies of local authorities and agencies: Female Talents and Education Promotion Funds of Binh Thuan, Dong Nai and Ho Chi Minh city, incentive policies for women to attend political and professional classes wherein greater support and assistance has been accorded women as compared to men.
- Conduct capacity-building for potential women leaders and communication activities to raise awareness about gender equality in the political sphere: hold policy dialogues promoting women's political participation at both central and local levels; carry out large-scale communication campaigns via workshops with the media on gender equality in politics; organise community-based and grassroots information sessions on promoting gender equality in politics; publish Women and Advancement bulletins; develop and issue materials on mainstreaming gender into politics, and guiding materials on public speaking and negotiation skills for potential women candidates.

79. Given the above measures and policies, new progresses have been made in terms of the percentage of women in managerial positions (*please see again the Results of implementation of national targets on gender equality until 2013 as mentioned in response to question 5*).

12. Issues concerning stateless people

80. *Updated information on the status of these cases, including sex- disaggregated data of the former Cambodian refugees and persons of undetermined nationality*:

81. On 29 September 2014 the Prime Minister has approved the master plan on persons returning from Cambodia. Accordingly, the line ministry, Ministry of Justice, has worked with the relevant ministries and central agencies on guiding the People's Committees of provinces to implement sub-proposals on "addressing the issues of nationality, residency, civil status and other personal documents for those returning from Cambodia". Ministry of Justice, the competent authority, has been studying and developing the implementation plan.

82. *Steps (if any) taken to accede the 1951 Convention Relating to the Status of Refugees and the its 1967 Protocol, as well as to adopt corresponding legislative measures and asylum procedures that are gender sensitive and uphold the principle of non-refoulement*:

83. Currently, Vietnam is considering the accession to the 1951 Convention Relating to the Status of Refugees and the 1967 Additional Protocol, via gender-sensitive legal measures and asylum procedures that uphold the principle of non-repatriation to their country of origin.

13. Education

84. *Regarding the allocation of sufficient resources from the national budget for the Education Sector Action Plan and the development of a monitoring and evaluation framework for its implementation, the Government has assigned the Ministry of Education and Training to take concrete implementing measures*:

85. Allocate budget to the affiliates under its management for implementation of their mandates. Funding for other education facilities is subject to local budget plans. The monitoring and implementation of the Plan have been designated in accordance with the existing state regulations.

86. *Regarding the improvements in information collection and evaluation of gender disaggregated data in the education field*:

87. The Government has developed a set of indicators for statistical appraisal and assessment of gender equality in the field of education and training via mainstreaming gender in the indicators for monitoring and evaluating the work performance of the education and training sector. A set of statistical indexes has been created for gender development, including gender-based education and training indicators.

88. *For girls who are children of families with economic difficulties, the Government has adopted various measures, both in terms of incentive policies and funding, to create favourable conditions for them to enjoy full access to education*:

89. The Government has mobilized funding for seven flagship credit programs, including the Loan Scheme for poor households (one that is pursuant to Resolution 30a; loans for students in hardship circumstances; loans for household production and business in difficult areas).

90. The Government has implemented specific policies such as scholarship programs for girls and women to raise their level of education, especially incentive policies for girls and women in rural areas and ethnic minorities; specific policies for kindergarten education in remote areas and areas with difficult conditions.

91. *The Government has carried out specific policies on resolving the high illiteracy and dropout rates among girls, especially girls from ethnic minoritics, including the provision of bilingual education*:

- Develop projects on continuing education, including mechanisms to encourage women from ethnic minorities and mountainous, remote, border, sea and island areas:

  The Prime Minister has approved Project on Illiteracy Eradication (in Decision No. 692/2013/QD-TTg dated May 4, 2013 of the Prime Minister). The Learning Society Project for the 2012-2020 period was introduced along with Decision No.89/QD-TTg dated 09/01/2013 of the Prime Minister, priority is given to increasing literacy among women, girls, and ethnic minorities in the disadvantaged areas, as well as ensuring equal literacy rates between men and women.

- Review and propose priority mechanisms to eradicate illiteracy and achieve universal primary education and junior high for women from ethnic minorities in mountainous, remote, border areas and islands:

92. During the 2013-2014 academic year, literacy programs have benefited 11,498 women, among whom 7,766 are from ethnic minority groups; the post-literacy education programs have had the participation of 7,119 women, including 446 ethnic minority women.

93. *Eliminating gender stereotypes in textbooks, teaching materials, and curriculum and encourage girls to participate in non-traditional disciplines*;

94. Ministry of Education and Training has tasked the Institute of Educational Sciences of Vietnam to work with line departments and agencies on reviewing and analysing textbooks from a gender perspective at national scale. Educational materials and teaching syllabus have been reviewed to remove gender-stereotypical information and images. Develop and pilot the materials on "Teacher Training Modules with an emphasis on gender issues and gender equality promotion," and incorporate such materials into the regular and periodical teacher training programs.

Institutionalize training to raise awareness about gender equality issues for all teachers at all levels.

95. The Vietnamese Government has assigned the Ministry of Education and Training in collaboration with the UNESCO Office in Hanoi to conduct pilot training on the "Teacher Training Modules with an emphasis on gender issues and gender equality promotion" for trainers from 15 provinces and cities, including Ha Noi, Hai Duong, Quang Ninh, Bac Ninh, Thai Nguyen, Da Nang and Dong Nai, etc. to incorporate gender equality issues into the Law on gender Equality and the Law on Domestic Violence Prevention (Plan No.220/KH-BGDT dated 05.09.2011 of the Minister of Education and Training). After the workshop, the teacher training modules emphasizing gender issues and gender equality promotion will adjusted to fit the conditions and circumstances of Vietnam.

14. Employment

96. *Please provide information about the steps taken to address the occupational segregation of women in the public and private sectors to low-paid and low-skilled jobs and ensure equal remuneration for women for work of equal value in both the formal and informal sector*:

97. It is Vietnam's policy to ensure non-discrimination in employment between women and men and promote the rights of women and men in all fields.

98. The Government has put in place measures to facilitate the participation of women in the formal labour force and improve their working conditions in the informal economy sector. These measures include increasing women's access to social security services; existing and potential measures to alter prejudices and discrimination, notably in caring services; and streamlined measures to deal with sexual harassment at work:

99. The Government has adopted positive measures to improve working conditions for female workers in formal and informal sectors and provide them with further access to social security services that are clearly enshrined in Vietnam's laws, their chapters, articles and provisions, in particular Articles 4, 12, 153 and 158 of the 2012 Labour Code. Besides, Article 8, Chapter 8 of the 2012 Labour Code

clarifies various solutions to changing prejudices and discrimination as well as to promoting equality.

100. *Vietnam has exerted efforts to amend the Labour Code in order to ensure equality between men and women in terms of retirement age, set forth measures to ensure equal access of men and women to employment opportunities and career development.*

101. The 2012 Labour Code was approved, stipulating that women at 55 and men at 60 years old have the right to retire. At the same time, the Government was assigned to work out retirement age for a number of special circumstances when the employees voluntarily wish to prolong their working period and with the consent of the employers.

15. Health

102. In terms of population, family planning and in line with Vietnam's international holds the view that citizens have fundamental human rights, including the right to reproduction.

103. *Measures taken to address the shortage of skilled healthcare workers in remote and mountainous areas and the lack of midwives who can speak the language of ethnic minority groups*:

104. The Government of Vietnam has organized a range of conferences, sent many delegations to localities to work directly with the provincial Departments of Health, especially in mountains provinces, in order to exchange expertise and communicate with the Departments of Health on the implementation, human resource and related issues of the work of maternal first aids to reduce the maternal and infant mortality rates.

105. Top central hospitals have intensified line direction and technical assistance to clinics at the lowest level in rural, mountainous and disadvantaged areas. The hospitals have directly provided additional specialists to needy areas; held training courses for healthcare workers in all provincial hospitals on maternity emergency and recovery, and requested Departments of Health to provide follow-up training for the lower levels.

106. The Vietnamese Government has directed the Departments of Health to adopt integrated preventive measures to deal with maternity problems, reduce maternity and infant mortality. Intensifying monitoring and inspection over private healthcare facilities in terms of license and expertise; imposing strict punishment on individual and facilities that violate the regulations of the Law on Medical Examination and Treatment and other existing legislation.

Long-term solutions

107. Increase the quantity and improve the quality of human resources in the OB area: promote training for OB doctors, make sure each district hospital has at least two OBs or OB-oriented; conduct C-section birth and blood transfusion in disadvantaged mountainous areas and in ethnic minority areas; intensify on-site training in order to improve the skills for healthcare providers and midwives; allow midwives and nurses to work in rotation at front health facilities to enhance their

capabilities; at extremely disadvantaged communes and villages where the rate of home birth is high, it is necessary to train and select local midwives from ethnic women;

108. Relief overloading for OB facilities;

109. Develop policies that favour the training and use of OBs to encourage them to hold long-term mission in the mountainous and remote areas; intensify investment to provide sufficient necessary facilities, equipment and medication. Increase awareness and alter people's behaviour toward safe maternity;

Specialized and technical solutions.

110. *Solutions to raise awareness among adolescent girls on sexual and reproductive health including through age-appropriate education on sexual and reproductive health and rights in schools*:

- Juvenile reproductive health education has officially been included in the extra curriculum for senior secondary schools.
- In addition, the Ho Chi Minh Communist Youth Union has organized a variety of communication movements to provide information and consultation on juvenile reproductive health for juveniles outside the school. These movements include publishing educational documents on juvenile reproductive health (leaflets, books, brochures and videos ...); increase communication; set up websites and hot lines to provide consultation on juvenile reproductive health. Intervention models on juvenile reproductive health have always received broad attention from the Youth Union. The intervention models take forms as consultative centres for youth; before-marriage and reproductive health clubs; friendly service corners for juvenile within the Youth Union's facilities; voluntary youth in educational campaigns on juvenile reproductive health, etc. ... Besides, communication on juvenile reproductive health in the community to parents has started to be organized with the participation of the Women's and Farmers' Unions.

111. *Measures in response to increasing number of adolescent pregnancy and abortion, including through facilitating access to birth control measures and to quality reproductive health services, assistance and counselling:*

- The Vietnamese Government has been implementing essential juvenile reproductive health services, namely information, consultation and services on birth control measures, sexually transmitted diseases (STDs), nutrition, sanitation during menstruation, and safe abortion.
- Juvenile reproductive health services are available not only at central and public health facilities but have also been expanded into juvenile reproductive health networks, especially friendly services play an important role in providing better services on juvenile and youth reproductive health. Juvenile reproductive health information and services are provided through diverse and streamlined intervention models. Such intervention models are: streamlining juvenile reproductive health education in other official subjects in schools; educating juvenile reproductive health through extra programs; communication through press and mass media; consultative centres for juvenile and youth reproductive health; friendly service corners; friendly consultative corners; counselling on the phone, internet; coequal education,

small-group communication; juvenile and youth clubs; entertainment sites providing juvenile reproductive health services; information and service corners at post offices and commune/ward culture house; theatre groups; streamlining communication on juvenile reproductive health in traditional festivals, cultural and arts exchanges between ethnic groups; friendly doctor, etc.

112. *Solutions to address the stigma and discrimination faced by women living with HIV, and the growing number of new infections among women in long-term sexual relationships with men living with HIV*:

- Vietnam's Steering Committee on AIDS prevention and treatment, drugs and prostitution at all levels have implemented the campaign "Non-stigma and non-discrimination against people living with HIV/AIDS", mainly communicating and encouraging people to alter behaviour in order to decrease stigma and discrimination against HIV/AIDS people.

16. Women in rural areas

113. *According to the General Statistics Office, in 2013, women accounted for 50.45 per cent of the total population, and the 67.81 per cent of the rural population.*

114. In the health sector, the Government has promoted the prevention of HIV/ AIDS transmission from mother to child (PMTCT), implemented new directions across the country for interventions such as: 1) HIV testing and counselling for pregnant women at young age; 2) ARV drugs for PMTCT early from the 14th-week of pregnancy (instead of the 28th week of pregnancy). Currently, there are 226 points nationwide that provide services for prevention of PMTCT, including 02 points at central level, 92 points at provincial level, the remaining 132 districts account for about 25 per cent of the number of districts nationwide. Regarding education, the Government has increased financial support for girls living in families with economic difficulties; implemented universal kindergarten education for 5 year-old children, primary education and junior secondary education, regardless of gender and focus on encouraging disadvantaged children, especially girls, to go to school. The Government has issued the 2012-2020 Project on Illiteracy Eradication (under Decision No. 692/QD-TTg dated 04th May 2013). At the same time, the Government also enacted the 2012-2020 Project on Building a Learning Society (under Decision No. 89/QD-TTg dated 09th October 2013), priority is given to ensure literacy for women and girls, ethnic minorities in disadvantaged areas, ensuring equal literacy rates between men and women.

115. In the field of employment, the Government has promulgated and implemented the 2012-2015 National Target Programme on Employment and Vocational Training, including Project 2 on vocational training for rural workers. In addition, there was the Project III on Loans for Employment from the National Fund for Employment, in which priority is given to preferential loans with low interest rates to rural women workers.

116. Besides, the Government implemented the Program "Vocational training for rural workers by 2020" (approved in accordance with Decision No.1956/ QD-TTg of the Prime Minister dated 27 November 2009 and the Project "Support vocational

training, create job for women in the period of 2010-2015" (approved in accordance with Decision No. 295/ QD-TTg dated 26 February 2010 of the Prime Minister). The "Vocational Training for Rural Workers by 2020" is by far the largest Project in terms of the scale of rural labour training and funding.

117. Besides, the Vietnam Women's Union also organized skill trainings and workshops for female staffs, especially female candidates to the National Assembly and People's Councils at all levels to share experience. After the signing of the program, the activities to be implemented include:

1. Coordinating in policy advice;

2. Coordinating in the work of female cadres, especially in introducing female candidates running for the National Assembly and People's Councils at all levels;

3. Coordinating in enhancing the capacity of female cadres, female candidates/female National Assembly deputies and People's Councils at all levels, building networks of female cadres;

4. Collaborating in monitoring the electoral process;

5. Coordinating to raise the awareness of all levels, sectors, people on the position, role and capacities of women, on gender equality and the election.

118. To ensure that both spouses having equal property ownership, the land use certificate is issued in the names of both spouses as required by the 2013 Land Law, the Government provided guideline on this issue at Decree No. 43/2014/ND-CP of the Government dated 15 May 2014 providing detailed regulations for the implementation of a number of articles under the Land Law, which defined that the transfer of land use rights, property ownership attached to the land of a husband or wife into the common property owned by both spouses is an administrative procedure on land and asset registration which is attached to land (Article 79). Decree No. 43/2014/ND-CP also stipulates the issuance of certificates in cases when the land use and the property ownership rights attached to the land is the common property of spouses - the one the granted Certificate only wrote the name of a wife or husband, and now a request is made to renew the certificate with the names of both husband and wife (in Clause 1, Article 76). Circular No. 23/2014-TT-BTNMT dated 19 May 2014 of the Ministry of Natural Resources and Environment regulating the Certificate of land use rights and the ownership of houses and other assets attached to the land also specified the demonstration of the names of both spouses on the certificate (at point c and d, Clause 1, Article 5).

119. For issues relating to consultation with rural women while taking into account the gender factor in the process of developing policies and strategies to cope with climate change and natural disasters, while developing the Hydrometeorology Act, the direct drafting authority — the Ministry of Natural Resources and Environment — "mainstreamed gender equality issues while developing legal documents" as defined in Paragraph 7, Article 5 of the Law on Gender Equality. The drafting authority also sent the draft for comments from the Central Committee of the Vietnam Women's Union and posted the draft to the e-Government portal as well as the electronic portal of the Ministry of Natural Resources and Environment for comments from the entire population. Clause 4, Article 6 of the draft law on Hydrometeorology focused on "disseminating information, improving the education

and knowledge of meteorological law and climate change; efficiently exploring and using meteorological information and data in the production, daily life and preventing natural disasters for the community; ensuring gender equality; paying attention to the specific targets such as people with disabilities, people from ethnic minorities and mountainous, remote, border areas, islands and regions with difficult socio-economic conditions with appropriate methods, means and materials for each object".

17. Disadvantaged Groups of Women

120. On 23 November 2009, the National Assembly of the Socialist Republic of Vietnam promulgated the Law on the Elderly effective on 1 July 2010. The law has institutionalized the policies of Vietnam on the Elderly in a systematic, complete and comprehensive manner, ensuring their participation in social activities, while encouraging social organizations and individuals to pay attention to measures to take care of the elderly.

121. *The measures that Vietnam has carried out to implement the Law on the Elderly include*:

- The Vietnamese Government issued Decree No. 06/2011/ND-CP dated 14 January 2011 guiding the implementation of some articles of the Law on the Elderly; Decision No. 1781/QD-TTg dated 23 November 2012 on approving the National Action Programme for the Elderly from 2011-2020 with the goals of improving the quality of care for the elderly and promoting the role of the elderly in society; Decree No. 144/2013/ND-CP of the Government dated 29 October 2013 prescribed the administrative penalties for the social protection, aid and child protection and care;
- The relevant ministries and agencies issued Circulars providing detailed guidance for the implementation of policies on social protection, health care, exemption or reduction of fares and charges from traffic, culture and sports activities, tourist activities, celebrations of birthday anniversary for the elderly (Circular No. 21/2011/TT-BTC dated 18 February 2011 of the Ministry of Finance regulating the management and use of funds for Primary healthcare for elderly people in their residential areas, celebrating their birthday anniversary, praising, giving rewards for the elderly; Circular No. 35/2011/TT-BYT dated 15 October 2011 of the Ministry of Health guiding the provision of health care for elderly people; etc.)
- Besides, Vietnam focused on renewing communication methods, mobilizing, disseminating information on the Law of the Elderly to every object of the population, especially people in remote, ethnic minority areas; develop a detailed and practical roadmap to implement the Law to ensure the necessary and sufficient conditions for the implementation of highly feasible articles, provisions and items; allocating resources to provide monthly allowances and celebrate special anniversary for the elderly;
- In addition, Vietnam also strengthened the monitoring mechanism to implement the Law on the Elderly and guiding documents; training, improving the capacity of doctors and nurses specialized in gerontology and social work; improving social assistance in accordance with to the real situation; mobilizing

all resources to develop the elderly healthcare fund, promoting the position and role of the elderly in the family and social community.

122. *Collection of data in order to develop adequate measures in accordance with the Committee's General Recommendation No. 27 on Older Women and Protection of their Human Rights*:

- To develop policies relating to the older women and to protect their human rights, the Vietnamese Government collected data through various channels such as: Using the index of the General Recommendation No. 27; Report the results of the state management in the field of elderly people from central to local levels; Results from the works and researches relating to elderly people, etc. so that to conduct research, evaluate the impacts and develop policies.

18. Women prisoners

123. Although there are no women-only prisons, inmates in general and women inmates in particular are given best conditions in accordance with the Law on the Execution of Criminal Sentences 2010 and Decree No.117/2011/ND-CP dated 15 December 2011 of the Government regulating the management of inmates and their benefits in terms of diet, clothing, accommodation, entertainment and medical care.

124. Besides, as stipulated in Article 27 of the Law on Execution of Criminal Sentences and Article 9 of the Decree No.117/2011/ND-CP), female inmates are detained separately in the detention unit.

125. As stipulated in Article 45 of the Law on the Execution of Criminal Sentences, benefits for pregnant inmates and women who raise children under 36 months of age are as follows:

- For pregnant inmates, if there is no temporary suspension of execution, appropriate accommodation will be arranged. They will also enjoy periodic or irregular prenatal check-ups, and medical care in case of need; labour time reduction, and healthy diet.
- Pregnant inmates are entitled to labour leave before and after childbirth as stipulated by the Labour Code. During maternity leave, female inmates are provided favourable conditions in terms of diet and care as directed by doctor or physician. They will also be provided with adequate food, utensils needed for the care of their infants. Female inmates having children under the age of 36 months are arranged time for childcare and parenting.
- Prisons, detention facilities, district criminal enforcement units are responsible for carrying out the procedures for birth registration for children of prisoners. The People's Committees of communes where female inmates serve their sentences are responsible for the registration and issuance of birth certificates.
- Women inmates having children aged 36 months or older must send their children to their relatives for custody. In cases when the inmates' children have no relatives, a social protection unit will be designated for child rearing. After having served their sentence, the female inmates will take back their children from those social protection units.

- Childcare centres must be set up outside of the detention facilities to provide services for children of prisoners under 36 months of age and from 36 months and older while waiting for enrolment in social protection units.

19. Marriage and family relations

Preventing child marriage

126. In fact, child marriage not only brings about bad consequences for the society, but also violates the law. Therefore, to solve this problem, the Vietnamese Government has effectively multiplied various national intervention programs to reduce child marriage in a number of provinces and cities, targeting ethnic minorities with extremely low population and in danger of population quality degradation; strengthen communication under flexible forms to raise awareness on the laws on population, marriage, family, focusing on the responsibility of communal official; Mainstreaming the education of the Law on Marriage and Family, Law on Gender Equality in training programs in national education systems, etc.

Application of customary law in marriage and family

127. The current effective laws only focuses on "mobilizing people to abolish out-dated customs and practices on marriage and family, to uphold good traditions and customs demonstrating the identity of each ethnic groups; to develop progressive marital and family relations".

128. The amended 2014 Law on Marriage and Family specified the application of practices in marriage and family, accordingly, Article 7 stipulated that: "If the law does not stipulate and the parties do not have any other arrangement, good customary practices embodying the identities of each ethnic groups, not being contrary to the principles stipulated in Article 2 and not violating the forbidden articles of this Law, shall be applied". Vietnam is a multi-ethnic country with good, diverse, rich practices, Article 7 showcased the respect towards good customary practices, and also clarified the conditions in which the customary practice would be applied, emphasized the adherence to the basic principles of marriage and family, ensuring the rule of law.

Age of Marriage

129. In the process of drafting the Law on Marriage and Family in 2014, the Government conducted a summary on the implementation of the 2000 Law on Marriage and Family. On the basis of the Government's summary and the actual livelihood and psycho-physiology conditions of men and women, the Law on Marriage and Family in 2014 raised the age of marriage for men and women: According to the Law on Marriage and Family in 2000, men of 20 and older and women of 18 and older (i.e. men who just turn 20 and women who just turn 18) are old enough to get married. However, under Article 8 of the Law on Marriage and Family in 2014, the age of marriage for men and women will be raised, in which it is compulsory for men to be full 20 years or older, for women to be full 18 years or older, to marry.

Same-sex marriage

130. Article 36 of the 1992 Constitution (as amended and supplemented in 2013) stated: Men and women have the right to marry. However, the amended Law on Marriage and Family in 2014 removed the provision to "prohibit marriage between persons of the same sex" (paragraph 2 of Article 8).

Regarding the settlement of property for couples in de facto relations

131. The 2014 Law on Marriage and Family specified ways to settle issues relating to children, properties, obligations and contracts when men and women live together as husband and wife without having marriage registration, which is based on an agreement between the parties. In the absence of an agreement, it shall be settled in accordance with the provisions of the Civil Code and other provisions of the relevant laws (Law on the Protection, Care and Education of Children, Population Ordinance, Decree No. 136/2013/ND-CP on social assistance policies for social protection beneficiaries, Decree No. 158/2005/ND-CP on the registration and management of civil status, etc.)

Reconciliation in divorce cases

132. Under the provisions of the law of Vietnam, reconciliation is a mandatory procedure in any divorce cases in court, including cases of uncontested divorce.

133. When a spouse files for a divorce at court, if reconciliation fails, the court will proceed to a divorce if there are evidences of domestic violence or serious violations of the rights and obligations of spouses, making the marriage fall into critical condition, marriage cannot last, the purpose of marriage is not reached.

134. The law of Vietnam strictly prohibits and punishes acts of domestic violence as stipulated in the Law on the Prevention of Domestic Violence, the Criminal Code, etc.

135. The 2014 Law on Marriage and Family only adds persons who are able to file for a divorce: father, mother and other relatives are also able to request a divorce settlement when a spouse is the victim of violence caused by the other side, thus causing serious consequences to their physical and mental well-being.

20. Data collection

136. The Government has adopted the National Strategy on Gender Equality for the period of 2011-2020, including specific targets and time frames. Vietnam also issued the National Gender Development Statistical Indicators (attached with Decision No. 56/2011/QD-TTg dated 14 October 2011 of the Prime Minister) consisting of 105 indicators under 11 different fields. This is the tool to systematically collect gender-disaggregated data to monitor and evaluate the gender development, the advancement of women and gender equality in all socio-economic areas, meeting the needs for statistical information of the Government and other agencies, organizations and individuals.

137. The General Statistics Office conducts surveys, census and produces statistical reports as follows: Census on Population and Houses, Census on Rural areas, Agriculture and Fisheries; Census on Economic, Administrative and Service

Providing facilities; Mid-term Survey on Population and Houses; Survey on Changes in Population and Family Planning; Labour and Employment Survey; Living Standard Survey; Enterprise Survey, Time Use survey, People with Disability Survey and the comprehensive statistical reporting mechanism applied in Ministries and agencies under Decision No. 15/2014/QD-TTg dated 17 February 2014 of the Prime Minister. In particular, statistics on gender equality were clearly defined.

21. Optional Protocol and Amendment to Article 20 (1) of the Convention

138. Vietnam is studying the possibility to adopt the Optional Protocol to the Convention and considering the possibility to accept the amendment to Article 20 (1) of the Convention.